

MTL Acts on motions from Forestry Special General Councils

Roberta Penass
Menominee Nation News

During the recent Forestry Special General Council Meetings held on March 26 and April 23, 2005 many motions were made by tribal members. These motions were taken under advisement by the Menominee Tribal Legislature (MTL), who are required by the Constitution to act on them within 30 days.

During their Regular Meeting on Thursday, May 5, 2005 the Menominee Tribal Legislature addressed those motions.

During the Special General Council of March 26, 2005, two motions were made. The first motion was made by Evelyn LeRoy that Marshall Pecore be removed as Forest Manager because of these communication things that are going on between him and the other members that work up in the Administration area, and also with how does the forester do the back log. The motion was seconded by Rose Goodwill and carried by a vote of 52 for, 18 opposed and 8 abstentions.

When the Menominee Tribal Legislature addressed this motion on May 5, 2005, Legislator Annmarie Johnson made a motion to *TABLE* the

See *MOTIONS* pg.3

Special General Council on Gaming



F.Alegria/Menominee Nation News

Members of the Menominee Tribal Legislature listen as Menominee Casino General Manager, James 'Pokey' Reiter (far right) gives his presentation on the Menominee Casino Bingo and Hotel during the Gaming General Council on May 14, 2005.

Francisco Alegria
Menominee Nation News

On Saturday, May 14, 2005 the Annual General Council on Gaming was held at the Menominee Casino in the Ada Deer/Blackhawk rooms.

The first item on the agenda was roll call for the Menominee Tribal Legislature. The attendance of the Menominee Tribal Legislature was at 100%. The Menominee Prayer was said by Legislator Mr.

Theodore "Tony" Warrington. Ms. Myrna Warrington was selected as the official Chairman of the Meeting. Item number four was election of the tellers. Chairman Warrington asked for nominations for the tellers. Only one Teller was necessary for the day and Joann Eisfelder received the honors. The appointment for the "Sergeant of Arms" was Mr. Lloyd Pecore.

The serious business began with Tribal Chairman Michael Chapman's Kenosha Report. The Kenosha Gaming Venture is

called "Project Eagle." Menominee Tribal Chairman Chapman began the membership update with a power point presentation of the Project Eagle Gaming Compact. This gaming compact provides for the future Kenosha Casino. The Tribal Chairman spoke, "In terms of the compact it's really important to know that the 2000 gaming compact signed by Governor Thompson provided for Kenosha, and in the 2003 amendments, that was not

See *GAMING* pg.4

Tribal Employee Recognition



F.Alegria/Menominee Nation News

Tribal employees who were employed 25 years or more were recognized in the Tribal Offices Board Room on Thursday, May 12, 2005. These dedicated employees each received a pendelton blanket and a certificate. Cake was also served in their honor. The employees recognized and the number of years they worked for the Menominee Tribe are as follows: front row (l-r) Mary Husby-26 years, Barb Tourtillott-25 years, Virginia Nuske-25 years. Back row (l-r) Kathy Kaquatosh-30 years, Jerry Waukau-26 years, Gary Schuettpelz-28 years, and Gen Tomow-25 years. Thank you for all your hard work and dedication to the Menominee Tribe.

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Motions continued from front page

Motion from the Special General Council of March 26, 2005 (that Marshall Pecore be removed as Forest Manager because of these communication things that are going on between him and the other members that work up in the Administration area, and also with how does the forester do the backlog) until we receive the Preliminary Audit from the Tribe's Internal Auditor. The motion was seconded by Laurie Reiter. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

The second motion made during the March 26, 2006 meeting was made by Arthur Chapman to recess this meeting. The meeting was recessed to April 23, 2005.

Six motions were made by tribal members at the Recessed Forestry Special General Council Meeting on April 23, 2005.

A motion was made by Alex Peters that the Menominee Indian Tribe of Wisconsin direct their Internal Audit Department to prepare a preliminary audit on MTE's Human Resources Department to determine if the Employee Handbook is properly being enforced; specifically targeting area of Grievances; hiring practices (82-10); drug-free workplace policy and procedures; and bring back within 30 days. Seconded by Maggie Escalante. Motion carried: 57 for, 0 opposed, and 0 abstentions.

During the MTL Meeting on May 5, 2005 a motion was made by Legislator Laurie Boivin in response to the Special General Council dated April 23, 2005, that the Chairman prepare a letter to the MTE BOD, based on Tribal Member concerns, requesting an operational audit be conducted of MTE's Human Resources practices and policies, including Ordinance 82-10 Tribal Preference and drug-free workplace, and come back with the audit in 60 days.

Seconded by Karen Washinawatok. ***** Amendment by Kenneth A. Fish that in the Chairman's letter to MTE to indicate failure to comply with the request that the Tribal Legislature will employ Attorneys to represent individual complaints of Tribal Members and if these complaints find violations of Menominee Preference and Indian Self Determination Action-Indian Preference that they will bring action against MTE. Seconded by Stephanie Awonohopay. Motion defeated: 1 for, 4 opposed (Gary Besaw, Laurie Boivin, Annmarie Johnson & Theodore Warrington), 3 abstentions (Kenneth A. Fish, Laurie Reiter & Karen Washinawatok) and 0 absent. ***** Amendment by Kenneth A. Fish to include in the letter to MTE requesting an audit by the Chairman that if they fail to comply the Tribe will withhold 638 Contract Monies and we will hire attorneys to represent individual tribal members in complaints of violations of Federal and Tribal Indian Preference Laws. Seconded by Stephanie Awonohopay. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent. ***** Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

Alex Peters made another motion made at the April 23, 2005 meeting to have all monthly sales of bark, logs, hardwood and soft wood, high select and low-grade, softwood pulp, hardwood pulp, going off the Reservation be known to the Menominee People here, in Tribal News every month. Seconded by Greg Wilber. Motion carried: 56 for, 20 opposed, and 2 abstentions.

Legislator Annmarie Johnson made the motion on May 5, 2005 to concur with the Motion of the Special General Council on Forestry of April 23, 2005 that MTE provide all monthly sales of bark, logs, hardwood and softwood, high select and low grade, softwood pulp, hardwood pulp, going off the reservation to the Menominee People within 30 days. Seconded by Karen Washinawatok. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

Llewellyn Boyd made another motion on April 23, 2005 to have a Special General Council to look at the Menominee Constitution and Bylaws; and have some of the former players, including Supreme Court Chief Justice Robert Kittecon, have them assist us in looking at our

living document. Seconded by Frieda Bergeon. Motion carried: 82 for, 0 opposed, and 3 abstentions.

On May 5, 2005 a motion was made by Legislator Stephanie Awonohopay that in response to the Motion from the Special General Council of April 23, 2005, the Menominee Tribal Legislature set a Special Meeting re considering amending the Menominee Constitution and Bylaws within the next 45 days; to solicit public commentary for Governmental Affairs.

Seconded by Theodore Warrington. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

During the Special General Council on April 23, 2005 another motion was made by Greg Wilber that people that sit on the Board of Directors that have managerial jobs should not be on Board of Directors, that's a conflict of interest, they're only protecting themselves, only protecting their jobs, and only protecting their pocketbooks. Seconded by Evelyn Leroy. Motion carried: 42 for, 13 opposed, and 2 abstentions.

Legislator Laurie Boivin made a motion on May 5, 2005 that in response to the Motion of the Special General Council of April 23, 2005, that the Conflict of Interest of the MTE BOD holding managerial jobs be on the agenda for the Special Meeting on the constitutional amendment. Seconded by Stephanie Awonohopay. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

Evelyn Leroy also made a motion at the Recessed Special General Council Meeting that this person (Dan Leonard, MTE H.R. Department) be removed and banished from our Enterprises and from our Tribe. Seconded by Rose Goodwill. Motion carried: 36 for, 12 opposed, and 4 abstentions.

When the Legislature acted on this motion during their May 5, 2005 meeting, Legislator Laurie Reiter moved to TABLE the Motion of Special General Council of April 23, 2005 re removal and banishment of the MTE Employee until we are in receipt of the Human Resources Audit. Seconded by Theodore Warrington. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

The final motion made at the Recessed Special General Council meeting was by Joan Webster that the Menominee Tribal Legislature and the MTE Board visit the issue of allowing loggers to be first in bidding by amending Ordinance 82-10 Tribal Preference. Seconded by Rose Schanadore. Motion carried: 54 for, 0 opposed, and 0 abstentions.

During the MTL Meeting on May 5, 2005 Legislator Laurie Reiter moved that in response to the Motion from the Special General Council of April 23, 2005, MTE revise their bidding procedure to allow Menominee Loggers be first in the bidding process. Seconded by Karen Washinawatok. Motion carried: 7 for, 1 opposed (Annmarie Johnson), 0 abstentions and 0 absent.

A further motion was made by Gary Besaw to send Tribal Ordinance 82-10 to the Governmental Affairs Committee for amendment re the MTE bidding process. Seconded by Laurie Boivin. Motion carried: 8 for, 0 opposed, 0 abstentions and 0 absent.

Gaming continued from front page

altered. And if you recall when Thompson joined the Bush Administration, Scott McCallum became governor he really opposed any off-reservation casino development or casinos in general. Governor Doyle took office in 2002, he has been pretty silent on it, but somewhat supportive, and clearly his Secretary of Administration Mark Marotta has been working in good faith with the tribes."

The Kenosha Gaming Development Agreement was signed on October 29, 2003. The

"Project Eagle" partners are Dennis Troha (\$1.345 million in capital) along with the Mohegan Tribe (\$3,098 million/convertible loan) and the Menominee Indian Tribe (\$600,000 in capital) this translates to: 7.7% for Dennis Troha for seven years and 5.7% for the Mohegan Tribe (convertible loan) for seven years.

The next slide of the power point was the "Project Eagle" site location. The option to purchase Dairyland Greyhound Park, the future site of Project Eagle was explained quite well by Chairman Chapman. The Menominee Tribe obtained the option in January of 2004. The option to purchase Dairyland remains open until June 30, 2006, with an extension clause thru March of 2008, although the price increases \$100,000 per quarter.

The Project Eagle "Land into Trust" application was submitted to the Bureau of Indian Affairs on July 6, 2004. It was somewhat a piecemeal. The Environmental Impact Statement still must be resolved. The B.I.A. will assess if Project Eagle is in the best interest of the Tribe. They will also assess the impact upon the local community and if other tribes are adversely impacted.

A question from the floor was raised concerning American Indian Gaming on the National level. Chairman Chapman stated, "Once an actual piece of legislation is introduced a lot of tribes will rally and so will we. The National Congress of American Indians and the National Indian Gaming Association, they have a task force on Off- Reservation gaming, they have met twice, and I participated in both meetings." Mr. Chapman also said, "The good thing about this is that overwhelmingly the tribes are against any amendments in the Indian Gaming Regulatory Act."

After some discussion by the audience, Menominee Elder, Lorraine Pocan offered some consideration, by stating, "We are getting to a critical point in this project and it means so much to all of our seven generations to come. I'd like to see more input from the people that were there before, not to say you can't do this now, they are informed, we need continuity." Chairman of the Council, Myrna Warrington, entertained a motion, to have the past legislatures involved in all these meetings to keep the continuity. "We have been waiting for this for fifteen years to come to fruition, and we are almost there. To take the people off that were there before, I think is detrimental to the Tribe and we need to keep that continuity. Is anyone willing to make a motion to keep Mr. Besaw, Ms. Boivin and Ms. Reiter involved in these continued meetings. I am willing to take a motion at this time." Mrs. Pocan made the motion and Mrs. Walker seconded the motion. Mrs. Pocan said, I don't see any harm in including all the Tribal Legislators, they are the governing body of the Tribe. Legislator Laurie Reiter added, "I think this is a really good motion and I'd like to see everyone included in the motion" and "It's not really feasible for the whole Legislature to be at every single meeting, but I think if we were able to look at what is happening in that area, say Mr. Fish is into the Environmental Impact Study, maybe I was into something else. That's how we were utilizing everybody before and I think it's more beneficial to the Tribe that point people are used in certain areas." When the voting was called for the motion there were 39 for and 0 opposed. Before continuing Chairman Michael Chapman's report, Legislator Laurie Boivin wanted to make a statement, "Regarding the Tribes payment to the State. For On- Reservation when we negotiated the 2003 amendments our Casino fell into a tiered system so I do not see really any big impact for what we have to pay for our On- Reservation facility but the State is really looking at trying to get us to pay 25% of our revenue to them for the Off-Reservation casino and we have to do everything we can to fight that. If we get anywhere near that number it would impact the whole development and possibly put it in total jeopardy. The whole purpose is so we get revenues back into our Tribe and we can do things for our Tribal members." She continued, "The State is trying to push us into a 25% payment of our revenues for the Kenosha Project. So that is a danger we are facing right now as a legislative body, to be

proactive making sure that does not occur.”

Chairman Chapman continued his presentation by explaining that the Kenosha Casino Referendum was county wide and obtained in November of 2005. The voters supported the project by a margin of 57% to 43%. In the Project Eagle management agreement the Mohegan Tribe has exclusive right and duty to manage, operate, and maintain the proposed casino. The Mohegan Tribe will receive 13.4% of net revenues for seven years. Some Tribes have paid upwards of 30% for comparable services. Note: Net revenue is Gross revenue minus operating expenses.

The Project Eagle Intergovernmental Agreement is an agreement with the City of Kenosha and the County of Kenosha. The agreement was signed on March 28, 2005. The Terms of the Agreement are:

- Years 1-8, 3% of net win; 4% thereafter.
- Calendar Year 20 and every succeeding 10 year interval – may be re-opened.
- Kenosha City School District \$1.5 million annually, commencing annually when payments in calendar year to City/Council exceed \$2.0 million.
- Lump sum at “Closing” \$5.0 million for various public purposes. (City-Museum Trust Fund to reduce property tax; County – homeless and cultural and charitable support)
- Payment of \$150,000 for Responsible Gaming Program.
- Tribal Sales Tax (5.5% X 30% to County for Years 1-20; 20% thereafter.
- Hotel/Motel Tax currently 8% with 90% going to the Kenosha Area Convention and Visitors Bureau.

Other aspects include minority recruitment/supplier development; City/County authority to enforce State Criminal Law; and no expansion of 223 acre footprint, without mutual agreement.

The Project Eagle approved concept plan was explained by the Tribal Chairman through a power point presentation. The concept plan consists of a Temporary Clubhouse or existing Dairyland Greyhound Park Facility. It will include:

- 1,300 gaming positions
- First Floor existing – 1,000 machines
- Third Floor – 50 table games
- Greyhound racing and simulcast continue
- Limited Food and Beverage Service
- Employee dining – 100 seats
- Limited retail space – 700 sq.ft.
- Financing – temporary \$90 million bridge loan.

PHASE ONE

- 3,150 total gaming positions
- 2,700 machines
- 75 table games
- Greyhound racing and simulcast continue
- 2,000 underground; 5,000 above-ground; and 1,500 above-ground employee parking spaces.
- Gourmet restaurant and food court area
- 5,000 seat multi-purpose auditorium
- Entertainment lounge/sports bar/restaurant lounge/VIP lounge.
- 50,000 sq.ft. of retail outlet, including wide range of restaurants-Italian, Asian, Steak and seafood, Latin American, and 34,000 sq. ft. of retail shops.
- Financing - \$608 million, includes paying off bridge loan.

PHASE TWO

- 400 additional gaming positions
 - 1,500 above ground parking spaces, added
 - Build 400 room hotel with meeting facilities, spa and health club
 - Add nightclub and family entertainment complex (lease).
 - Financing - \$200 million, includes pre-opening and contingency costs
- Total cost of all phases \$808 million.

Project Eagle's estimated revenues were presented by the Menominee Tribal Chairman. Roughly \$450 million at the completion of phase two, net win – three separate studies estimate revenue to be between \$378 million and 482 million in phase 11. The projection is based on assumption that Rosemont, IL, Beloit, WI casino and that Potawatomi will expand. The yearly breakdown of tribal portion:

Year 1 = \$3.6 million

Year 5 = \$26 million

Year 10 = \$33.7 million

Year 15 = \$122.95 million

The next item presented was Project Eagle and Labor Union Support. There is a Project Labor Agreement for the construction and an agreement to allow employees to organize. The next piece of information given was Project Eagle and the Environmental Impact Statement (EIS). The EIS examines traffic, archaeological, social, and economic and all aspects of environmental concerns. The draft EIS will be distributed to "corporate agencies" and to be distributed publicly in mid-July.

Project Eagle and the current challenges:

- Potawatomi
- Enough Coalition
- State Legislation
- Governor's Office
- Congressional Intervention

Note: Congressman Pombo and Senator John McCain
(NCAI and NIGA created a Task Force on Off-Reservation Casinos)

Project Eagle and the Strengths:

- Great local support from Kenosha – the electorate, governments, and labor unions
- Strong Partners in Dennis Troha and Mohegan Tribe
- Key allies – Congressionally and at the state level
- Great economic projections and strong interest in project by the financial markets.

Project Eagle's next steps are to complete the EIS, to keep Tribal membership informed on tribe's Kenosha efforts and to sustain support in Kenosha. We will launch and aggressive governmental affairs strategy and cultivate support in Milwaukee. We must maintain strong relations with B.I.A. Minneapolis and the D.C. central offices. The Menominee Tribal government will closely monitor the upcoming Governor's race. For more information on Project Eagle visit the website at: www.kenoshacasino.com.

James Reiter, the General Manager of the Menominee Casino/Bingo and Hotel, presented the Menominee Casino Annual Report. Mr. Reiter first and foremost addressed a comment that was made by a tribal member that asked, "Who are these people can you tell me?"

Mr. Reiter passed the microphone around so they could stand and introduce themselves, their department and how many years they worked for the Menominee Tribe, as well as, how many years they served as manager of their department. Reiter stated, "We will have the managers and then the introduction of the gaming committee also."

Chairman Myrna Warrington also included, Joanne Eisfelder and Lynette Miller who recently

earned their master degrees. Mr. Reiter said, "I have to join them," meaning he recently earned his master degree also. A huge round of applause and appreciation went out for all the dedicated of these employees. Mr. Reiter recognized the Gaming Committee. He said, "Our first chairman of the Gaming Committee was Laurie Boivin who had many years of experience here at gaming. I would like to recognize her and publicly like to say thanks for a job well done." Stephanie Awonohopay had been appointed to the Gaming Committee and replaced Laurie Boivin in February of this year. "Stephanie came in and dove right in to the business at hand and has been a guiding force." The new chairman for this year is Laurie Reiter. "Laurie is at a leadership position at the gaming operations right now and is directing us. I really appreciate the fact these are hard working individuals and are working side by side with administration and management of the casino to make us a better operation."

Mr. Reiter began by reading his letter to the Menominee People:

Posoh My Fellow Menominee,

"It is again my pleasure to come before you today with the Menominee Casino, Bingo and Hotel Annual Report for fiscal year 2004 (October 1, 2003 – September 30, 2004). Last year I reported that we were moving more into the area of technology when I reported to you and we have started implementation. We have made some great strides through the use of technology in the slot department and the effects are shown in the bottom line profits we have sent to the Menominee Tribe in the form of cash flow payments. As the year progressed, we started to implement ticket-in-ticket-out as well as continue to reduce the number of participation slot games as well as the progressive slots we had on the floor. This strategy paid off with sending \$1,349,388.00 more than projected in FY04."

"The cash flow payments to the Menominee Indian Tribe through September 30, 2004 was \$8,825,000.00. Again, this was \$1,349,338.00 over our projections, and the Tribe was able to build up a reserve. This is what our goal is in the gaming operations. We have targeted our expenses line item for reduction and newer slot machine purchases for increased revenue to meet the needs of our stakeholders of our operations. The stakeholders as I see it is the present Menominee Tribal Members as well as our generations to come. We as a sovereign nation need to be more cognizant of the future needs of our total tribal needs and look out for the generations to come. This goal recognition is what drives the Gaming Committee, staff and myself as the General Manager of the operations to work as hard as we do to meet this important goal."

"It is our sincere hope that Kenosha comes to fruition so a little pressure can be taken off our operations and we can move into our expansion phase. Our expansion has been planned out in detail at least four to five years ago and refined within this past year. It is unfortunate that our plans have been put on hold because the State Legislature sued the Governor over the perpetuity clause in our newly signed compact. Now we will remain on hold until a settlement can be reached in the state political arena as well as the Supreme Court."

Mr. Reiter added, "Some highlights to look for in our Annual Report are as follows:"

"Table Games continued to prosper in FY04 with the additional of Craps, Roulette, Poker and the Carnival Games. The Table games made a profit of \$413,294.00 in FY04. This was the first time since 1998 that Table games actually made a profit. From FY03 to FY04 the department had an \$800,000.00 plus turnaround in profitability by going from a \$400,000 loss to the profits I listed."

"In FY04 we greatly reduced the losses in the Restaurant to (\$47,832.00). In FY05, the whole Food and Beverage Department is looking at progressing to become profitable. We employed some consultants to work with us and we are seeing steady progress."

"Menominee Hotel operation continues to be a mainstay in our operations. The Hotel had a net profit of \$632,251.00 in FY04 and continues to be a leader in the hotel industry in our

region.”

“The Five Clan Gift Shop/Smoke Shop had a profit of \$157,847.87 plus paid the Menominee Indian Tribe a tax of \$227,639.10.”

“Menominee Bingo experienced difficulty in FY04 and had a loss of \$35,034.00. The staff at Bingo is very dedicated and they are going to turn Bingo around in FY05.”

“In Closing, I want to say thank you to all of our staff, management and Gaming Committee members for making Fiscal Year 04 a year of increase profitability and a guide that can lead to even greater profits in the future. A very special thank you needs to go out our Tribal Legislature for sticking with us and approving a final budget that allowed for more slot purchases and facility improvements. I thank you the Menominee Community for your patronage and support in these difficult economic times. If you have any questions on our Annual Report, I will answer them or call upon my department managers or directors if I don’t know the answer.”

“Wae-wae-nen,” James L. Reiter, General Manager, Menominee Casino-Bingo-Hotel.

Mr. Reiter then presented a very informative and compelling power point presentation of the Menominee Indian Gaming Authority, Menominee Casino, Bingo, Hotel.

During the presentation a question from the floor was asked of the General Manager, “Are you ever going to bring the car game back to Bingo?”

Mr. Reiter explained, “Because our Bingo was losing we had to cut our expenses. The car game was a huge expense and we started losing on the car game and we were not making the amount of profit we should have.” He continued, “Our operations are turning around and since you brought it up we will discuss it.”

Mr. Reiter went over the goals and responsibilities of the Menominee Gaming Operation. Mr. Reiter’s presentation further discussed the money transfers to the Tribe. He said, “It was the third highest total in the history of Menominee Gaming.” and “We did it when our region was in an economic situation and condition throughout the whole United States was at an all time low. It took a lot of hard work of our staff and Gaming Committee.” Reiter went on to show many graphs with detailed explanations and made sure to comment on Menominee Ordinance #82-10. Mr. Reiter stated, “We are at 82-10 considerably as directed by the Tribal Legislature all along.”

The General Manager, James Reiter’s presentation ran very smoothly. Just prior to Mr. Reiter’s thank you, there was a year to date snap shot through 05/10/05. Transfer to Date is at \$4,050,000 with the remaining balance of \$3,750,000 and the total projected 2005 at \$7,800,000. The weekly average to meet projections is \$187,500. We are now entering our busy season.

It’s unbelievable how hard our gaming operation works for all of us. To sum it all up remember the Menominee Gaming slogan, it is nothing short of the truth, you can bet your life that, “Winning Comes Naturally at the Menominee Casino!!”

Motions made at the Special General Council on Gaming:

A Motion

Lorene Pocan: I move that Gary Besaw, Laurie Boivin, Laurie Reiter and any other Legislators be involved in the Kenosha Project (to keep the continuity).

Frances Walker: I second the Motion

Chairman: All those in favor of the Motion signify by saying Aye, Opposed. The Motion carried: 39 for, 0 opposed, 0 abstentions and 0 absent.

A Motion

Frances Walker: I move that found money be put in a special category fund to be used for special purposes with special needs, namely children and elderly whose needs can’t be taken care of by any other means (sources).

Michael Chapman: I second the Motion.

Chairman: All those in favor of the Motion signify by saying Aye. Opposed. The Motion carried: 42 for, 0 opposed, 0 abstentions and 0 absent.